

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION**

FANSHEN SAILES, )  
Petitioner, )  
v. ) Case No.: 4:13-cv-00649-SLB-JEO  
ERIC HOLDER, Attorney General, )  
United States, et al., )  
Respondents. )

**MEMORANDUM OPINION**

This case is before the court on Respondents' Motion to Dismiss as Moot (doc. 14), filed October 15, 2013. In their motion, Respondents note that Petitioner was released from ICE custody pursuant to an Order of Supervision on October 15, 2013. (Doc. 14-1). Respondents argue that because Petitioner has been released on an Order of Supervision, this case is due to be dismissed as moot.

On April 10, 2013, Petitioner filed a petition for writ of habeas corpus seeking to be released from custody pending his removal to St. Vincent. (Doc. 1). Because he has been released on an Order of Supervision, his petition seeking that very relief is moot. See *Nyaga v. Ashcroft*, 323 F.3d 906, 913 (11th Cir.2003) ("a case must be dismissed as moot if the court can no longer provide 'meaningful relief'"); see also *Spencer v. Kemna*, 523 U.S. 1, 8 (1998) (once a habeas petitioner is released from custody, he must demonstrate collateral consequences to avoid mootness doctrine). Accordingly, this matter is due to be dismissed. *Khader v. Holder*, 843 F. Supp. 2d 1202 (N.D. Ala. 2011). A separate order will be entered.

**DONE**, this 4th day of November, 2013.

Sharon Lovelace Blackburn

SHARON LOVELACE BLACKBURN  
CHIEF UNITED STATES DISTRICT JUDGE